

CALIFORNIA FISHERIES COALITION

December 3, 2004

Alliance of Communities for
Sustainable Fisheries

California Lobster & Trap Association

California Fisheries & Seafood Institute

California Wetfish Producers Association

Central Coast Fisheries Conservation
Coalition

Commercial Fishermen of Santa Barbara
Inc.

Federation of Independent Seafood
Harvesters

Golden Gate Fishermen's Association

Half Moon Bay Fishermen's Association

I.S.P. Kelp Harvesters

Morro Bay Commercial Fisherman's
Organization

Moss Landing Commercial Fishermen's
Association

Pacific Abalone Farms

Port San Luis Commercial Fishermen's
Association

Recreational Fishing Alliance

San Pedro Purse Seine Vessel Owners
Association

Sea Urchin Harvesters Association - CA

Sea Urchin Processors Association - CA

South Central Nearshore Trap Organization

Southern CA Trawlers Association

Sportfishing Association of California

Ventura County Commercial Fishermen's
Association

Mr. Phillip Isenberg
MLPA Blue Ribbon Task Force
c/o The Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814
Attn: Melissa Miller-Henson

Dear Mr. Isenberg:

We appreciate the opportunity to comment on preliminary documents prepared for the Task Force's consideration to advance the MLPA Initiative. As we noted in our nomination letter for the Statewide Interest Group, the California Fisheries Coalition is an ad hoc group of commercial and recreational fishing entities, coastal communities, and ocean dependent businesses united by our dependence on the ocean and our desire to work cooperatively with the Task Force and others to implement the Marine Life Protection Act in a manner that also supports and protects ocean-dependent industries and the coastal communities of California. We expect to participate in this process throughout the implementation of the Initiative.

We welcome the creation of the Task Force to give a broad, comprehensive perspective to the implementation of the MLPA. The MLPA is intended to protect all aspects of the marine environment, sustain marine life populations generally, improve our knowledge and understanding of marine ecosystems, and maintain representative and unique marine habitats in an undisturbed and unpolluted state. We submit the following preliminary comments on various documents being considered by the Task Force.

Master Plan Framework

It is our understanding that the initial efforts of the Task Force are to develop a Master Plan Framework to guide the modification and development of a network of Marine Protected Areas (MPAs). Instead of trying to rewrite a proposed table of contents or summarize all of the provisions of the MLPA, we have identified the following key steps and issues that need to be provided for in the Framework:

1. The MLPA statute finds that existing MPAs were not established according to a coherent plan or sound scientific guidelines, and therefore it is necessary to modify existing MPAs to maximize their value in meeting the goals of the MLPA. The Act requires the master plan to include an analysis of current MPAs, with recommendations to consolidate, expand, abolish, or manage existing MPAs differently. The Framework should first consider the need to modify existing MPAs, followed by an evaluation of the need to establish new MPAs. (Section 2851 & 2853(a), FGC)

2. The Legislature declared that California's MPA system needed to be reexamined and redesigned. Section 2853(b) states that the purpose of adopting a Marine Life Protection Program is "to improve the design and management of that system." Among other things, this Program is to include an "improved marine life reserve component," and a process for establishing new MPAs and modifying or abolishing existing ones.

The legislative history reveals that an early version of the bill creating the MLPA required an "expanded marine life reserve component." The Legislature subsequently amended the legislation to instead require an "improved" reserve component. This clearly indicates the Legislature's intent is to modify a network of MPAs and marine reserves so as to protect a variety of marine habitats and marine life free of disrupting influences, not necessarily to expand the network. (FGC, 2853(c)(1) and 2857(c)(4))

3. The MLPA is clear that MPAs are to protect unique marine areas or ecosystems that are currently pristine or that could be made pristine under the protections and management that comes with the designation as an MPA. The Framework needs to ensure that MPAs do not simply focus on certain species or activities, i.e., certain fisheries or fishing activities. Instead, MPAs should seek to preserve the health of marine habitats and marine biological diversity.

4. One important purpose of establishing an MPA network is to facilitate an evaluation and comparison of pre- and post-MPA designation conditions in order to fully understand the impacts of human activities. To accomplish this the Framework should require the collection of comprehensive baseline data before establishing new MPAs to support required ongoing monitoring and evaluation. (Section 2851(e)) Moreover, the Framework needs to identify funding mechanisms to enable ongoing scientific study over the long term, as well as policies to facilitate adaptive management.

5. The MLPA acknowledges that both it and fishery management are important elements of effective marine resource conservation. The Framework now appears to disregard fishery management, although current fishery management strategies are designed to fulfill stated goals of the MLPA. The Framework must ensure that existing fishery regulatory strategies are considered in establishing an improved MPA network. De facto area closures, such as military zones, post 9-11 "no fishing" areas, oil rig footprints and marine cable crossings should also be factored into MPA analyses, in addition to existing closures implemented through fishing regulations, to maximize the effectiveness of existing closures and minimize the serious biological, social and economic consequences of improperly sited MPAs. (Section 2851(d) and 2855(c)(1)) Minimizing negative socio-economic consequences also fulfills a goal of the Governor's Ocean Action Plan to support ocean-dependent economic interests.

6. The MLPA states that establishing and managing MPAs are to be guided by specific goals and objectives for each designated MPA. The Framework must require specific goals and objectives for each MPA, which may differ between MPAs but which are to contribute to meeting the broad objectives of the MLPA and facilitate adaptive management. (Section 2853(c)(2) and 2857(c)(1))

Stakeholder Involvement Strategies

We support all of the tools identified in the draft document submitted to the Task Force. No one strategy is right for all interested stakeholders, and several options should be available to the large numbers of persons who are not able to take unlimited time away from jobs and families. Most stakeholders involved in the MLPA Initiative do so at their own expense.

For this reason, involvement strategies must be user friendly regarding access, schedules and lead times. It would be particularly beneficial to certain stakeholders for the Task Force to visit local communities and meet

with various constituencies. Many commercial and recreational fishing entities would be pleased to host a community discussion of key issues and tour significant and unique marine areas to increase Task Force members' understanding of local considerations.

Particularly when discussing regional MPA networks, it is important to involve stakeholders with "local knowledge" of the region under consideration. To the maximum degree possible, the composition of regional stakeholder groups should be determined by the communities themselves, and their recommendations should guide implementation of regional networks. A growing body of evidence finds the most successful MPAs are those with direct community input into the decision-making process.

Information Required for MPA Proposals

This document provides a detailed list of the information required and questions that need to be answered to support proposed MPA networks. This information would be required whether the proposal is prepared by a public agency or a non-governmental entity. We feel the list deviates from the MLPA in several significant ways.

While a description of existing MPAs is required, there is no requirement that modifications to existing areas, either in area size or management strategies, be considered as a priority before recommending new MPAs. Likewise, an analysis of existing management plans is required; however, there is no requirement that alternative management strategies be considered that may meet the goals and objectives of the MLPA in a less costly or disruptive manner. It seems the assumption is that new MPAs will be created regardless of the existence of potentially better options.

The required information correctly calls for consideration of a variety of sizes and types of MPAs and asks how an MPA could be used to evaluate the effects of human activities. But while the MLPA requires creating MPAs and reserves that experience "minimal human disturbance" of any kind, this only seeks to evaluate areas with or without fishing. Apparently it is assumed that other human activities are benign or unmanageable. This omission is contrary to the stated intent of the MLPA to consider all human impacts.

The proposed criteria require an analysis of how recommended MPAs could be used as reference sites for fishery management. While this is one potential use of MPAs, we point out that statutorily it is not a principal use, nor are MPAs the only way to test fishery management strategies. Traditional fishery management tools have long been administered in ways that allowed evaluation of their effectiveness without the potential significant negative impacts that could result from MPAs or marine reserves, e.g., concentrating fishing effort, socio-economic impacts on thousands of people and coastal communities, shifting seafood demand to imports, etc.

Any recommended network of MPAs should require an examination of less costly alternatives to accomplish the goals of MLPA, and all human activities need to be examined in the search for areas least impacted or in developing restrictions on these activities to increase the likelihood of meeting the goals of the MLPA. As noted above, MPA recommendations also need to identify long-term funding mechanisms to enable ongoing scientific study over time to determine the effectiveness of those areas, measured against all of the goals of the MLPA. The Framework should require that performance goals be set and met within prescribed timelines to fulfill the goal of effective, adaptive management.

Another Comment on Funding Strategies

The Framework should provide for adequate funding to assure objective, independent peer review of draft work products produced in this Initiative, and to facilitate participation by interested scientists who are unable to make the significant pro bono time commitment now required by the Initiative process to serve on the MLPA science team.

Initiative Time Line

We are concerned that much needs to be done in a very short time if the proposed time line is followed. We were reassured last week by Director Broddrick's comments that quality would not be sacrificed to expedite the Initiative process.

We appreciate this opportunity to submit these comments and trust that they will be helpful in preparing revised proposals for consideration by the Blue Ribbon Task Force. If you have questions regarding these comments please contact us.

Sincerely,

Trustees for the California Fisheries Coalition

Bob Fletcher
Sportfishing Association of California

Peter Halmay
Sea Urchin Harvesters - California

Jim Martin
Recreational Fishing Alliance

Diane Pleschner-Steele
California Wetfish Producers Association

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